

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARK CHRISTENSEN,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT
OF CORRECTIONS, et al,

Defendants.

Case No. C08-5191RBL

ORDER DENYING MOTION FOR
RECONSIDERATION

THIS MATTER comes before the Court on Plaintiff's Motion for Reconsideration [Dkt. #74] of the Court's Order on Defendants' Motion for Summary Judgment [Dkt. #72]. Plaintiff argues that because his original complaint referenced "Washington law" he has effectively asserted Washington State law claims under the liberal pleading standards of Rule 8, and that it was therefore error for the Court to "comment" that he had not effectively pled state law causes of action.

The Court disagrees. As the authority cited in Plaintiff's own Motion explains, a pleading [Complaint] must include a **"short and plain statement of the claim showing that the pleader is entitled to relief."** Fed. R. Civ. P. 8. A vague reference to "Washington law" does not satisfy this standard, and does not alert the Defendant (or the court) to the basis for the Plaintiff's claim. The Plaintiff in this case did seek to articulate specific claims in both his Original and his Amended Complaint. (Though there were issues with the claims that were actually pled, as discussed in the court's Order).

1 It would be far more efficient for the parties and the Court if the Complaint articulated the factual
2 and legal bases for the Plaintiff's claim(s) at the outset, rather than waiting for the Defendant to move for
3 summary judgment or other relief based on its best guess at the legal basis for Plaintiff's claims, or for the
4 court to try and glean from the complaint specific claims which might theoretically be pled consistent
5 with the facts.

6 The Plaintiff is granted leave to Amend his complaint once again to plead – consistent with Rule
7 8 and the numerous cases decided under it – a claim under Washington law. Any such Amended
8 Complaint should identify the statute(s) or other authority under which the claim is plead, the facts
9 supporting the claim of a violation, the relief sought, and the basis for the claimed entitlement to relief.
10 The Motion for Reconsideration [Dkt. # 74] is DENIED.

11 IT IS SO ORDERED.

12 Dated this 2nd of March, 2010.

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15 RONALD B. LEIGHTON
16 UNITED STATES DISTRICT JUDGE
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